

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT HUNTINGTON**

**CHRISTOPHER FAIN; ZACHARY
MARTELL; and BRIAN MCNEMAR,
individually and on behalf of all others similarly
situated,**

Plaintiffs,

vs.

**Case No.: 3:20-cv-00740
Judge Robert C. Chambers**

**WILLIAM CROUCH, in his official capacity as
Cabinet Secretary of the West Virginia
Department of Health and Human Resources;
CYNTHIA BEANE, in her official capacity as
Commissioner for the West Virginia Bureau for
Medical Services; WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN
RESOURCES, BUREAU FOR MEDICAL
SERVICES; TED CHEATHAM, in his official
capacity as Director of the West Virginia Public
Employees Insurance Agency; and THE
HEALTH PLAN OF WEST VIRGINIA, INC.,**

Defendants.

AGREED ORDER FOR SUBSTITUTION OF PARTIES

Pursuant to Fed. R. Civ. P. 25(d), the Defendant, Ted Cheatham, by counsel, moved this Court to substitute Jason Haught as a named defendant in his place and stead. The Court finds the following:

1. Defendant, Ted Cheatham, was the former Director of the West Virginia Public Employees Insurance Agency, and he retired on October 29, 2021.
2. On October 30, 2021, Jason Haught was appointed Interim Director of the West Virginia Public Employees Insurance Agency.
3. Rule 25 of the Federal Rules of Civil Procedure allows for a public officer's successor to be substituted as a party.

WHEREFORE, the Court does hereby ORDER that Jason Haught, Interim Director of the West Virginia Public Employees Insurance Agency shall be substituted as a defendant in place and stead of Ted Cheatham, former Director of the West Virginia Public Employees Insurance Agency. From the entry of this Order forward, the style of the case shall be changed to reflect said substitution of party.

The Clerk is directed to update the party names accordingly.

Entered this _____ day of _____, 2021.

HONORABLE ROBERT C. CHAMBERS, JUDGE

**TED CHEATHAM, in his official
capacity as Director of the West Virginia
Public Employees Insurance Agency,**

BY COUNSEL

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Defendants.

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing “**Agreed Order for Substitution of Parties**” on this 11th day of **November, 2021**, with the Clerk of the Court using the CM/ECF system, which will send notification of filing, and a copy of the same, to the following CM/ECF participants:

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